



ENTERED
TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Hon. DeWayne Hall
United States Bankruptcy Judge

Signed September 22, 2010

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION

IN RE:	§	
Mark Anthony Clarkson and Donna Kay	§	CASE NO. 10-70217-HDH-13
Clarkson	§	
Debtor	§	CHAPTER 13
Carrington Mortgage Services, LLC as	§	
Attorney-in-Fact for Deutsche Bank National	§	
Trust Company, as Trustee, for "Wells Fargo	§	
Bank, N.A., as Trustee for Carrington	§	
Mortgage Loan Trust, Series 2007-RFC1,	§	HEARING DATE: 09/22/2010
Asset-Backed Pass-Through Certificates", its	§	HEARING TIME: 10:00am
successors and/or assigns	§	
Movant	§	
vs.	§	

Mark Anthony Clarkson and Donna Kay
Clarkson
Walter O'Cheskey, Trustee
Respondents

AGREED ORDER MODIFYING AUTOMATIC STAY

Came on for consideration the Motion for Relief from Stay ("Motion") filed by, Carrington

Mortgage Services, LLC as Attorney-in-Fact for Deutsche Bank National Trust Company, as Trustee, for "Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2007-RFC1, Asset-Backed Pass-Through Certificates", its successors and/or assigns ("Movant"), one of the secured creditors in the above entitled and numbered cause. The Court having considered the Motion, any and all responses filed thereto, and the agreement of counsel, is of the opinion that the following Agreed Order Modifying Automatic Stay should be entered. It is therefore **ORDERED** that:

1. **Automatic Stay:** The automatic stay provided by 11 U.S.C. § 362 shall remain in effect, except as provided below.

2. **Current Monthly Payments:** By October 1, 2010, Debtors shall remit the regular post-petition mortgage payment amount of \$1,744.10, and continuing on the first day of each month thereafter. Debtors shall remit directly to Movant the regular post-petition monthly mortgage payment pursuant to the Note and Deed of Trust referred to in the Motion. All payments shall be made directly to Movant at the following address:

Carrington Mortgage Services
1610 E. St. Andrew Pl., B#150
Santa Ana, CA 92705
ATTN: BANKRUPTCY DEPARTMENT

3. **Modified Chapter 13 Plan:** Within thirty (30) days of the Trustee's Recommendation Concerning Claims, Debtors shall modify their Chapter 13 Plan to provide for payment of Movant's secured pre-petition arrearage claim of \$3,163.34, in addition to the sum of \$7,651.40, which represents post petition monthly payments in the amount of \$1,744.10 each for the months of June 1, 2010 through September 1, 2010, no late fees are being assessed on this loan at this time, plus attorney's fees in the amount of \$525.00 filing fees and costs of \$150.00 for a total claim of \$10,814.74 to be paid through the Modified Plan at 0% interest. Additionally, it shall not be necessary for Movant to file an amended claim in this case to effectuate payment of the \$10,814.74 through the Modified Chapter 13 Plan as set forth herein. Debtors shall make all Trustee

payments promptly when due according to the provisions of their Modified Chapter 13 Plan.

4. **Default :** Should Debtors default on any terms of this order, Movant shall mail notice of the default to Debtors and their attorney by U.S. First Class Mail, postage prepaid. Should Debtors not cure the default plus pay Movant's \$50.00 default letter charge, within ten (10) days of the date Movant mails the notice, the Automatic Stay of 11 U.S.C. § 362 shall be and is hereby ordered lifted with respect to Movant's collateral. Debtor's right to default and cure within the prescribed ten (10) day period is limited to two (2) such events, and nothing contained herein shall entitle Debtor to cure a third or subsequent default as to the terms of this Agreed Order. In the event of termination of the automatic stay, Movant, or its successor in interest, shall be authorized to enforce its lien rights and pursue its statutory and contractual remedies to gain possession of the property located at **16960 FM 1954 Wichita Falls, Texas 76310**, and more fully described as follows:

Beginning at a 1/2 inch iron rod set at a cross tie fence corner post for an ell corner of the Wm. Shaw Survey that is also the Southeast corner of the S.E. Mosley Survey; and being more particularly described in Exhibit A attached hereto and made a part hereof for all purposes.

Movant shall immediately notify the Office of the Standing Chapter 13 Trustee in the event that it forecloses/repossess its interest upon the collateral described in the Order pursuant to the terms of the Order.

5. **Effect of Non-Sufficient Funds:** Any check tendered to Movant by Debtors for any payment hereunder which is returned by Debtors bank for any reason shall not be deemed a timely payment under this Agreed Order, further Movant may request all future payments be made by certified funds.

6. **Dismissal/Conversion:** In the event that this case is dismissed, for any reason whatsoever, prior to the completion of the payments set out in Paragraph 3 above, the terms of this Agreed Order shall no longer apply. In the event that this case is converted to a proceeding under Chapter 7 or 11 of the U.S. Bankruptcy Code, and if property was previously exempted from the

bankruptcy estate then the Stay shall terminate and all arrearages due the Note shall be deemed due upon such conversion. Should Debtors fail to timely cure said arrearage, Movant may abandon the terms of this Agreed Order, and the 11 U.S.C. § 362(a) stay shall terminate without further notice or order of the Court, and Movant shall be free to exercise any rights granted to it by the loan documents with respect to the Property, including, but not limited to, the initiation and completion of foreclosure of the Property.

End of Order##

AGREED TO AND APPROVED BY:
BALCOM LAW FIRM, P.C..

*I have complied with Local Rule 4001.

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ATTORNEY FOR DEBTORS

By: /s/ Donna K. Clarkson
Donna K. Clarkson, Debtor